

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARTIN TELLEZ MONTOYA,

Defendant.

**4:12CR3055**

**MEMORANDUM AND ORDER**

The defendant Martin Tellez Montoya has requested a change of plea hearing, and consents to having the hearing conducted before the undersigned magistrate judge.

Accordingly,

IT IS ORDERED:

- 1) The defendant's request to set a change of plea hearing is granted. This case, insofar as it concerns this defendant, is removed from the trial docket based upon the request of the defendant.
- 2) A hearing on the defendant's anticipated plea of guilty is scheduled before Magistrate Judge Zwart on October 9, 2012, at 9:30 a.m., in Courtroom No. 2, United States Courthouse and Federal Building, 100 Centennial Mall North, Lincoln, Nebraska.
- 3) The defendant, defendant's counsel, and counsel for the government shall appear at this hearing.
- 4) On or before the date set for the plea proceeding, counsel for the government and for the defendant shall provide to the assigned probation officer their respective versions of the offense for purposes of preparing the presentence investigation report.
- 5) The ends of justice served by granting defendant's request to set a change of plea hearing outweigh the interests of the public and the defendant in a speedy trial, and the time between today's date and the anticipated plea of guilty shall be deemed excluded in any computation of time under the requirements of the Speedy Trial Act because the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7).

October 4, 2012.

BY THE COURT:

s/ Cheryl R. Zwart

United States Magistrate Judge